

Appl. No. 10/669,221
Atty. Docket No. 2003B101A
Response dated February 12, 2007

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REMARKS

Reconsideration of the present application in view of the following remarks is respectfully requested. Upon entry of the above-described amendments, new claims 39-49 will be added. Claims 23-49 are pending.

Enclosed herewith is an Information Disclosure Statement identifying the references currently of record in related Patent Application No. 10/669,221. Applicants also enclose herewith for the Examiner's signature a formerly submitted Supplemental Information Disclosure Statement dated August 11, 2006. Applicants have not received a signed copy of this SIDS.

35 U.S.C. §101 & §112

Claim 36 stands rejected under 35 U.S.C. § 112, first paragraph, and 35 U.S.C. § 101. Applicants have amended claim 36 to overcome these rejections.

35 U.S.C. §103(a)

Claims 23-35, 37, and 38 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2001/0003624, to Lind et. al. ("Lind publication") in view of U.S. Patent No. 4,126,648 to Agouri et al. ("Agouri patent"). This rejection is traversed because neither the Lind publication nor the Agouri patent, teach or suggest an A/B/A film structure having a core layer B composed of LDPE and HDPE as recited in the pending claims, i.e., 60-90 wt.% LDPE, and 40-10 wt.% HDPE combined with skin layers A each independently selected from a composition comprising 80-100 wt.% mPE, 20-0 wt.% HDPE, and 20-0 wt.% LDPE.

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Citing paragraph 13, the pending Office Action suggests that the Lind publication teaches 3 layer films composed of a B core layer "comprising a blend of high density polyethylene and a low density polyethylene." See Office Action mailed 10/10/06 at p.3. But, neither paragraph 13 nor the remainder of the Lind Publication teach or suggest A/B/A film structures having a core layer B composed of 60-90 wt.% LDPE, and 40-10 wt.% HDPE, as recited in the pending claims. Indeed the pending office action acknowledges that ranges of LDPE and HDPE are not taught or suggested by the Lind Publication. Having only the general teaching of the Lind Publication and faced with the myriad compositions contained therein, one of ordinary skill in the art would not be motivated to achieve the films recited in the pending claims as suggested by the Office action.

For example at paragraph 13, the Lind Publication generally describes multilayer films "where at least one layer contains a polymer." Film structures according to the Lind Publication include "blends of polymers." See paragraph 13. Suitable polymers for blending include HDPE and LDPE. *Id.* In paragraph 14, the Lind Publication describes a film structure having "at least three layers wherein the core layer is a barrier layer." The barrier layer is further described at paragraph 26 where, although the barrier layer is disclosed as comprising materials that minimize the transmission of oxygen through the structure, there is no teaching of the barrier layer being composed of a blend of HDPE and LDPE, as recited in the pending claims. Accordingly, not only are A/B/A film structures having a core layer B composed of LDPE and HDPE *not* taught, but films having certain physical properties, such as for example films recited in dependent claims 26, 29, and 32, are not taught or suggested by the Lind Publication.

The Agouri patent cannot remedy the deficiencies of the Lind Publication because the Agouri patent discloses only single layer films of grafted copolymers, not A/B/A film structures

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as recited in the pending claims. Moreover, the Agouri patent does not teach or suggest single site, metallocene catalysts as recited in the pending claims. Thus, even assuming, *arguendo*, that one of ordinary skill would combine the teaching of the Lind Publication and the Agouri patent, the combination would not achieve the subject matter recited in Applicant's pending claims.

Applicants maintain that the Office has identified no legally sufficient motivation to combine the teaching of a barrier layer of the Lind publication with the teaching of *grafted copolymer* films from the Agouri patent to achieve the *HDPE/LDPE* layer of the pending claims.

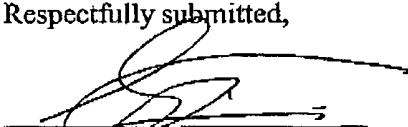
Withdrawal of the rejection and allowance of the claims is respectfully requested.

CONCLUSION

Applicants believe that the foregoing is a full and complete response to the Office Action of record. For the foregoing reasons, Applicants submit that the present claims meet all the requirements for patentability. Accordingly, an early and favorable reconsideration of the rejection, and allowance of pending claims 23-49 are requested.

Respectfully submitted,

2/12/07
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